

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JOHN CURTIS DAVIS,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-11-1362-D
)	
STATE OF OKLAHOMA, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

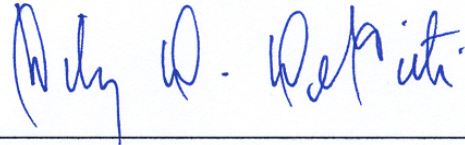
This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell, pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Upon initial review under 28 U.S.C. § 1915A, Judge Purcell recommends a dismissal of the Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 for failure to state a claim on which relief may be granted and immunity from monetary relief, a dismissal of any state law claims pursuant to 28 U.S.C. § 1367(c)(3), and counting the dismissal as a “strike” under 28 U.S.C. § 1915(g).

Plaintiff, who appears *pro se* and *in forma pauperis*, has neither filed a timely objection to the Report nor requested additional time to object. The Court therefore finds Plaintiff has waived further review. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). Further, upon *de novo* consideration of the issues, the Court finds Judge Purcell’s analysis to be correct. The Court concurs in Judge Purcell’s recommendation to dismiss this action without prejudice.

IT IS THEREFORE ORDERED that the Court adopts the Report and Recommendation [Doc. No. 13] in its entirety. Plaintiff’s Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 is dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) and § 1915A(b). The Court

declines to exercise supplemental jurisdiction of any state law claims. The dismissal shall be counted as a “prior occasion” or strike pursuant to 28 U.S.C. § 1915(g) after Plaintiff has exhausted or waived his right to appeal. A separate judgment shall be entered accordingly.

IT IS SO ORDERED this 21st day of May, 2012.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE